

Notice of Allowability

Application No.

09/702,540

Examiner

Qi Han

Applicant(s)

MAKINEN ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/11/2005.
2. ☒ The allowed claim(s) is/are 1-4, 11-14, 16-19, 21-24 and 26-29.
3. ☒ The drawings filed on 02/11/2005 (Figs. 3-11c) and 02/11/2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the applicant's amendment dated 02/11/2005. Applicant amended claims 1, 4, 11, 13, 16-18, 21, 23, 26 and 28, cancelled claims 5-10, 15, 20, 25, 30-32.
2. The examiner withdraws the disclosure objections a.(regarding Figs.1-2), b.(regarding the error on page 3, lines 24), d.(regarding claim 6), and e. (regarding claims 1, 5, 11, 16, 21 and 26), because the applicant made correction, amendment, and/or cancellation.

The examiner withdraws the rejection regarding claims 1-4 (claims 5-7 have been cancelled) under 35 USC 103 (a), because applicant pointed out the second reference (Makinen et al.) is owned by the same assignee.

Allowable Subject Matter

3. Claims 1-4, 11-14, 16-19, 21-24 and 26-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claims 1, 11, 16, 21 and 26**, the instant application is directed to a method or apparatus for concealing errors in a speech decoder, a speech signal transmitter/receiver system, a mobile station, or a telecommunication network. Each independent claim, combining certain well-known features in speech coding art, identifies the uniquely distinct features of replacing the first long-term prediction lag value in the partially corrupted frame with a third lag value, when the first long-term prediction lag value is outside

Art Unit: 2654

the upper and lower limits; retaining the first long-term prediction lag value in the partially corrupted frame, when the first long-term prediction lag value is within the upper and lower limits.

The prior art, Shoham (US 5,699,485), Paulus et al. (0-7803-3192-3/96 IEEE), Sasaki (US 6,377,915), of record provided numerous teachings of decoding speech signal, detecting error frame, identifying voiced/unvoiced (stationary/ non-stationary) speech, and alternative concealing and replacing approaches. However, the combined features of concealment for a speech decoder, as presented above, are not anticipated by, nor made obvious over the prior art of the record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c))

Art Unit: 2654

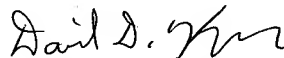
and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richmond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
June 11, 2005



DAVID D. KNEPPER
PRIMARY EXAMINER